

### **REMARKS**

Claims 1-24 are all the claims pending in the application. Applicants thank the Examiner for carefully reviewing the present application. The present amendment is in response to the first Office Action mailed on July 23, 2004 regarding claims 1-12. Claims 13-24 were withdrawn from consideration, and are canceled by this Amendment.

Favorable reconsideration is requested in view of the above amendments and the following remarks.

In Fig. 5A, a reference sign "512" is added to point out the post 512, and a reference sign 508 is redirected to the post supporting the plate 502 and the plate 504 (support for these amendments can be found on page 8, lines 1-3 of the specification).

Claim 12 is canceled. Claim 1 is amended to particularly point out the features of the posts supporting the first plate, the second plate and the operating plate (see Fig. 5A and the related description in the specification), and to show that the second plate shifts along the first post and the second post by a voltage added on the operating plate so as to change the distance of the cavity (see Fig. 5B, and the related description in the specification). Thus, claims 1-11 are now pending in the application. Amended claim 1 contains no new matter nor raises new issues.

### **Specification Objections**

Examiner objected the disclosure because the drawings including reference signs "608" and "612" are not mentioned in the description.

In response thereto, paragraphs at page 9, lines 4 to 23 have been amended to indicate **the control circuit 608 and the driver circuit 612** shown in Fig. 6.

Therefore, Applicants respectfully request that the specification objection be withdrawn.

### **Claim Objections**

The Examiner objected to claim 1 because of insufficient antecedent basis for the limitation "the third plate".

In response thereto, “the third plate” recitation in claim 1 has been changed to “the operating plate” to more clearly define this feature.

Therefore, Applicants respectfully request that the claim objection be withdrawn.

**Claim Rejections under 35 U.S.C. §102(e)**

Claims 1-3, 5, and 7-12 are rejected under 35 U.S.C. § 102(e), as being anticipated by Miles (US 6,650,455). Applicants respectfully submit that the present invention distinguishes from Miles as follows.

In Miles’ structure, an optical cavity 505 is formed between the membrane/mirror 506 (second plate) and the secondary mirror 508 (operating plate), and support for the secondary mirror 508 (operating plate) is provided by a transparent superstructure 510 (see column 9 lines 14-16). Such as shown in Fig. 5A and Fig. 5B, Miles’ membrane/mirror 506 is formed as an inverted-U shape on the substrate 500, and the membrane/mirror 506 is vertically displaced when a voltage applied between primary electrode 502 and membrane mirror 506, thus changing the length of the optical cavity (see Fig. 5B and column 9 lines 35-38), wherein the length of optical cavity can be from the height of the secondary mirror 508 (operating plate) minus the original height of the membrane/mirror 506 (second plate), to the height of the secondary mirror 508.

In contrast, as explicitly recited in amended claim 1, the first plate, the second plate and the operating plate are supported by the first and second posts 512 and 508 (see Fig. 5A, the related description of the specification), and the cavity essential to the claimed invention is formed between the second plate and first plate. Such as shown in Fig. 5B of the claimed invention, the second plate shifts along the first post and the second post by a voltage added on the operating plate so as to change the distance of the cavity, wherein the distance (length) of the cavity can be from 0 to the height of the operating plate.

The Federal Circuit reiterated that “a rejection for anticipation under section 102 requires that each and every limitation of the claimed invention be disclosed in a single prior art reference.” In re Paulsen, 31 USPQ 2d 1671 (Fed. Cir. 1994).

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Accordingly, since the claimed invention is different from Miles' structure in the location and formation of the cavity; the range of the distance of the cavity; and the way supporting the operating plate and the second plate, the color changeable pixel recited in claim 1 of the claimed invention cannot be anticipated by Miles.

Since claim 1 is allowable, dependent claims 2-11 each of which depends from independent claim 1 are likewise believed to be allowable. Therefore, Applicants respectfully request that the Section 102(b) rejection be withdrawn.

### **CONCLUSION**

With regard to the other prior art made of record, Miles (6,674,562); Applicants respectfully submit that this reference does not disclose or teach the color changeable pixel disclosed in the present invention.


In light of the above remarks, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited. If there are any remaining issues to be resolved, Applicants request that the Examiner contact the undersigned attorney for a telephone interview.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

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**AMENDMENTS TO THE DRAWINGS**

The attached sheet of drawing includes changes to Fig. 5A.

The sheet including Fig. 4 and Fig. 5A replaces the original sheet including Fig. 4 and Fig. 5A, wherein, in Fig. 5A, a reference sign “512” is added to point out the post supporting the second plate 504 and the third plate 506, and reference sign 508 is redirected to the post supporting the plate 502 and the plate 504.

Attachment: Replacement Sheets